

Appl. No. 09/942,352
Amdt. dated May 1, 2006
Reply to Office action of February 15, 2006

REMARKS/ARGUMENTS

Applicant has received the Office action dated February 15, 2006, in which the Examiner: 1) rejected claims 41 and 64 under 35 U.S.C. § 112, second paragraph, as being indefinite; 2) rejected claims 42-51 and 65-71 due to their dependence on rejected claims 41 and 64; 3) rejected claims 19, 20, 22 and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over Cedillo (U.S. Pat. No. 6,364,439, hereinafter "Cedillo") in view of Swinger et al. (U.S. Pat. No. 6,349,825, hereinafter "Swinger") in view of JP 411229687A (hereinafter "JP '687"); 4) rejected claims 21, 23, 24 and 64-71 under 35 U.S.C. § 103(a) as being unpatentable over Cedillo in view of Swinger, JP '687 and Gennaro et al. (U.S. Pat. No. 6,317,834); 5) rejected claims 41-51 under 35 U.S.C. § 102(e) as being anticipated by Gennaro in view of Lee et al. (U.S. Pat. No. 5,742,683, hereinafter "Lee") in view of Cedillo (based on the Examiner's analysis, Applicant presumes this rejection to be under § 103 rather than § 102); and 6) allowed claims 28-40.

With this Response, Applicant has amended claims 19-22, 24-25, 27, 41, 64-67 and 69-70. Also, Applicant has canceled claim 23. Claims 19-22, 24-38, 40-51, 64-67 and 69-71 are pending. Based on the amendments and arguments contained herein Applicant requests reconsideration and allowance of the pending claims. Applicant appreciates allowance of claims 28-40.

I. § 112 REJECTIONS

In rejecting claims 41 and 64 under 35 U.S.C. § 112, second paragraph, the Examiner recommended the term "associated" be changed. In this response, Applicant removed the term "associated" from claims 41 and 64 to address the Examiner's rejection.

II. § 103 REJECTIONS

In rejecting the claims under 35 U.S.C. § 103, the Examiner cited several references. Cedillo teaches storing multiple computers within lockable storage units 150 that are removably attached to a rack (see Figure 3 and col. 5, lines 31-58). Swinger teaches a laptop carrying case 20 with a locking mechanism 202 that prevents an unauthorized user from placing the case 20 into its open position. Swinger's locking mechanism 202 is opened using a fingerprint sensing

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device 212 (see Figure 5 and col. 5, lines 35-47). JP '687 teaches a locker that operates based on a fingerprint and a password (see Abstract). Gennaro teaches permitting access to a database or other secured resource based on encrypted bio-characteristics (see col. 1, lines 58-61). Lee teaches a postal meter with password protected functions (see col. 7, lines 24-46). None of these references, considered individually or together, teach or suggest selectively controlling both physical security and data security based on biometrics. Furthermore, the Examiner has cited no objective evidence that these references provide a suggestion or motivation to control both physical security (as disclosed by Cedillo, Swinger, and JP '687) and data security (as disclosed by Gennaro and Lee).

Amended claim 19, in part, requires "a registry stored in a memory accessible by said control unit, said registry including a first access code and a second access code." Claim 19 further requires "[a] lock prevents the computer component from being removed from the computer system unless the control unit authenticates biometric data received from the biometric sensor and obtains the first access code from the registry." Claim 19 further requires "logical access to the computer component is prevented unless the control unit authenticates biometric data received from the biometric sensor and obtains the second access code."

None of the references cited by the Examiner, considered individually or together, teach or suggest "a registry stored in a memory accessible by said control unit, said registry including a first access code and a second access code." Furthermore, none of the references cited by the Examiner, considered individually or together, teach or suggest "[a] lock prevents the computer component from being removed from the computer system unless the control unit authenticates biometric data received from the biometric sensor and obtains the first access code from the registry" and "logical access to the computer component is prevented unless the control unit authenticates biometric data received from the biometric sensor and obtains the second access code." For at least these reasons, claim 19 and its dependent claims are allowable.

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Amended claim 41, in part, requires "a control unit coupled to said plurality of biometric sensors, said control unit selectively controlling logical access and physical access to the plurality of computer devices in said computer system based on signals from one or more of said biometric sensors." None of the references cited by the Examiner, considered individually or together, teach or suggest the above limitation. For at least this reason, claim 41 and its dependent claims are allowable.

Amended claim 64, in part, requires "the control unit selectively controls the lock to allow physical removal of a server based on data received from the biometric sensor." Claim 64 further requires "the control unit selectively controls logical access to the server based on data received from the biometric sensor." None of the references cited by the Examiner, considered individually or together, teach or suggest the above limitations. The Examiner's suggestion that controlling both data security (Gennaro) and physical security (Cedillo, Swinger and JP '687) is obvious appears to be based on improper hindsight gleaned only from Applicant's disclosure. None of the references cited by the Examiner, considered individually or together, address selectively controlling both physical security and data security. These issues are not necessarily related as evidenced by the lack of addressing both issues together in the cited references. For at least these reasons, claim 64 and its dependent claims are allowable.

III. CONCLUSIONS

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees

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are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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